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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,618	04/30/2001	Bryce H. Hooker	60224/04929	2613

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EXAMINER

CHUONG, TRUC T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/845,618

Applicant(s)

HOOKER ET AL.

Examiner

Truc T Chuong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspond nc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "intuitive" in independent claims 1, 9, 17, and 25 is a relative term which renders the claim indefinite. The term "intuitive" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. All dependent claims are also rejected because of their dependency. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Arora et al. (U.S. Patent No. 5,845,299).

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As to claim 1, Arora teaches a method for automatically constructing a customized associate web site, comprising:

receiving presentation preferences (Abstract; define appearance of a web page, col. 2 lines 20-35, and figs. 3-10);

receiving via an intuitive graphical user interface associate data uniquely describing the associate web site (col. 2 lines 35-53);

assembling the presentation preferences and associate data, thereby creating a customized web site (col. 5 lines 36-64);

presenting a preview of the customized web site (preview display, col. 8 lines 29-41, and fig. 6); and

publishing the customized web site (Publishing a Page, col. 17 lines 5-50).

As to claim 2, Arora teaches a method according to claim 1 wherein the step of receiving presentation preferences includes receiving a selection from among a set of presentation preferences predefined by a firm affiliated with the associate (predefined applet names, col. 35-58).

As to claim 3, Arora teaches a method according to claim 1 wherein the step of receiving associate data includes receiving a selection of pages to include in the web site (col. 18 lines 1-43).

As to claim 4, Arora teaches a method according to claim 1 wherein the step of receiving associate data includes identifying pages which must be included in the web site (DataList, col. 13 line 45-col. 14 line 36, and figs. 38-39).

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As to claim 5, Arora teaches method according to claim 1 wherein the step of receiving associate data includes identifying the order of pages to display (col. 13 lines 45-67, and fig. 35).

As to claim 6, Arora teaches a method according to claim 1 wherein the step of receiving associate data includes identifying information blocks to display on a page of the web site (col. 18 lines 15-67, and figs. 3, 5, 38-39).

As to claim 7, Arora teaches a method according to claim 6 wherein the step of receiving associate data further includes receiving formatting instructions regarding information blocks to display on a page of the web site (col. 18 lines 1-21, and figs. 20-23).

As to claim 8, Arora teaches a method according to claim 1 wherein the step of receiving associate data includes identifying the order of information blocks to display on a page of the web site (col. 13 lines 45-67, and fig. 35).

As to claims 9-16, they are apparatus claims of method claims 1-8. Note the rejections of claims 1-8 above respectively.

As to claims 17-24, they are similar in scope to the apparatus claims 9-16 above; therefore, rejected under similar rationale.

As to claim 25, this is a program product claim of method claim 1. Note the rejection of claim 1 above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Arora et al. (U.S. Patent No. 5,911,145) teaches editor for web sites, publish, tools, customization, layout, and preview (cols. 2-14 and figs. 3-43).

Ziff et al. (U.S. Patent No. 6,557,013 B1) teaches customization, layout, tools, publish, and GUI (cols. 2-13 and figs. 2A-11B).


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Truc T. Chuong

11/14/03


STEVEN SAW
PATENT EXAMINER